IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.912 OF 2005

Ramchandra Dhavji Valvi & Ors. ..Petitioners.

Vs.

Asst. Commissioner
R/Central Ward, BMC & anr. ..Respondents.

...

Mr.G.M.Savagave for the Petitioners.

Mrs.A.R.Joshi for the BMC.

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CORAM : DR.D.Y.CHANDRACHUD, J.

25th April, 2005.

P.C. :

The work of constructing a road of 120 feet width, being the first link road near Haridas Nagar is in progress. The structures of the Petitioners which were situated in Dhavji Chawl were in the alignment of the road as a result of which the work of the aforesaid road being T.P.Scheme Road No.1 was affected. Upon the enforcement of the Town Planning Scheme, the land

has vested in the Municipal Corporation under the Maharashtra Regional Town Planning Act, 1966. A notice under Section 314 was issued to the occupants on 17th February, 2004. Since the occupants of the chawl had submitted evidence of the existence of the chawl prior to 1st January, 1995, it has been stated in the affidavit in reply of the Municipal Corporation that a proposal for giving alternate accommodation to the occupants was processed. The Additional Municipal Commissioner, Western Suburbs has sanctioned the provision of alternate accommodation consisting of pitches admeasuring 10' x 15' to the aforesaid occupants who were intimated on 22nd December, 2004. The alternate accommodation which is offered forms part of Final Plot No.383 T.P.S. III at Borivali (West) which is reserved for housing the dishoused. Since the occupants did not shift, a notice of demolition was issued on 13th January, 2005 and demolition was carried out on 15th January, 2005. In the affidavit in reply, that has been filed on behalf of the Municipal Corporation, it has been stated that each of the occupants has been allotted pitches admeasuring 10' x 15' on which residential

premises would be allowed to be constructed. The Municipal Corporation has agreed to grant water connection on usual terms and conditions and it has also been clarified that the Corporation will furnish its no objection for obtaining electricity connections. The statement which has been made by the Municipal Corporation in paragraph 5 of the affidavit in reply is taken on the record. In these circumstances, no further directions are required in the Petition. The challenge by the Petitioners to the action of the Municipal Corporation has no merit. The Petition is accordingly disposed of.